

## REMARKS

### **I. Introduction**

Claims 14 to 26 are pending in the present application. In view of the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

### **II. Rejection of Claims 14 to 19, 21, and 24 to 26 Under 35 U.S.C. § 102(b)**

Claims 14 to 19, 21, and 24 to 26 were rejected under 35 U.S.C. § 102(b) as anticipated by European Patent Application No. EP 0943890 ("Corgi"). Applicant respectfully submits that these rejections should be withdrawn for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 14 relates to a device for determining at least one of a wheel geometry and an axle geometry of a motor vehicle in an inspection room, including an optical measuring apparatus, and an evaluating device, wherein *the image-taking device is connected via a swivel joint to a wheel rim of a wheel that is to be measured, the image-taking device follows a rotational motion of the wheel, an optical axis of the image-taking device is always aligned substantially perpendicular to a roadway plane, an axis of rotation of the swivel joint is aligned in all wheel positions substantially parallel to the roadway plane, and the reference feature system is situated substantially in the roadway plane in a field of view of the image-taking device*. Claim 24 recites similar features to claim 14, including an optical measuring apparatus, and an evaluating device, wherein *the at least one first image-taking device is connected via a swivel joint to a wheel rim of a wheel that is to be*

*measured, and follows a rotational motion of the wheel, an optical axis of the at least one first image-taking device is always aligned substantially perpendicular to a roadway plane, and an axis of rotation of the swivel joint is aligned in all wheel positions substantially parallel to the roadway plane.*

In contrast, Corghi fails to identically disclose, or even suggest, all of the claimed features of claims 14 and 24. Specifically, nowhere does Corghi indicate that an image-taking device is connected via a swivel joint to a wheel rim of a wheel, as provided for in the context of claims 14 and 24. Instead Corghi states that “the video cameras [are] rigid with [the] wheels,” and that each camera “is coupled to one of the vehicle wheel rims by known brackets.” (Corghi, ¶ [0023]; and Figures 1 to 3). Also, nowhere does Corghi indicate that an image-taking device follows a rotational motion of the wheel, as provided for in the context of claims 14 and 24. Instead, Corghi states that each camera “is coupled to one of the vehicle wheel rims by known brackets” (Corghi, ¶ [0023]), and Figures 1 to 3 of Corghi appear to indicate that each camera is mounted on the axis of rotation of each wheel, thus indicating that each camera does not follow a rotational motion of the wheel. In addition, nowhere does Corghi indicate that an optical axis of the image-taking device is always aligned substantially perpendicular to a roadway plane, as provided for in the context of claims 14 and 24. Instead, Corghi states that the camera “lens [is] always pointing towards a fixed reference marker positioned at the front of a usual measurement site,” thus indicating that the camera in Corghi is always aligned substantially parallel to a roadway plane. (Corghi, ¶¶ [0014], [0023], [0034], and [0036]; and Figures 1 to 3). Moreover, nowhere does Corghi indicate that an axis of rotation of the swivel joint is aligned in all wheel positions substantially parallel to the roadway plane, as provided for in the context of claims 14 and 24. In fact, as set forth above, Corghi fails to mention a swivel joint at all, and thus, Corghi cannot indicate the alignment of an axis of rotation of such absent swivel joint. Further, nowhere does Corghi indicate that the reference feature system is situated substantially in the roadway plane, as provided for in the context of claim 14. Instead, Corghi states that “a fixed reference marker [is] positioned at the front of a usual measurement site,” thus indicating that the reference marker in Corghi is not situated substantially in the roadway plane, but substantially perpendicular to the roadway plane. (Corghi, ¶¶ [0014], [0023], and [0034]; and Figures 1 and 2).

Therefore, it is plainly apparent that Corghi fails to identically disclose, or even suggest, all of the claimed features of claims 14 and 24. Accordingly, it is respectfully submitted that Corghi does not anticipate claims 14 and 24.

As for claims 15 to 19, and 21, which ultimately depend from claim 14, and therefore include all of the features recited in claim 14, and claims 25 and 26, which ultimately depend from claim 24, and therefore include all of the features recited in claim 24, it is respectfully submitted that Corghi does not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claims 14 and 24.

For at least the foregoing reasons, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 20, 22, and 23 Under 35 U.S.C. § 103(a)**

Claims 20, 22, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Corghi and PCT International Published Application No. WO 00/70304 ("Hendrix et al."). Applicant respectfully submits that this rejection should be withdrawn for at least the following reasons.

Claim 14 relates to a device for determining at least one of a wheel geometry and an axle geometry of a motor vehicle in an inspection room, including an optical measuring apparatus, and an evaluating device, wherein *the image-taking device is connected via a swivel joint to a wheel rim of a wheel that is to be measured, the image-taking device follows a rotational motion of the wheel, an optical axis of the image-taking device is always aligned substantially perpendicular to a roadway plane, an axis of rotation of the swivel joint is aligned in all wheel positions substantially parallel to the roadway plane, and the reference feature system is situated substantially in the roadway plane in a field of view of the image-taking device.*

As more fully set forth above, Corghi fails to disclose, or even suggest, all of the features recited in claim 14. Further, Hendrix et al. fail to cure the critical deficiencies of the Corghi reference. Specifically, nowhere do Hendrix et al. indicate that an image-taking device is connected via a swivel joint to a wheel rim of a wheel, as provided for in the context of claim 14. Instead, Hendrix et al. state that the camera bar assembly "is not ordinarily attached to [the] vehicle," but "is positioned in front of [the] vehicle." (Hendrix et al., p. 5, lines 6 to 12; and Figures 1, 5, and 6).

Also, nowhere do Hendrix et al. indicate that the image-taking device follows a rotational motion of the wheel, as provided for in the context of claim 14. Hendrix et al. plainly do not indicate this feature because the camera bar assembly is not even attached to the vehicle, much less to a wheel of the vehicle. (Hendrix et al., p. 5, lines 11 to 12; and Figures 1, 5, and 6). In addition, nowhere do Hendrix et al. indicate that an optical axis of the image-taking device is always aligned substantially perpendicular to a roadway plane, as provided for in the context of claim 14. Instead, Hendrix et al. state that the camera bar assembly “is situated in front of (or in alternate embodiments, above or behind) [the] vehicle, ... [and] may also be situated orthogonally, overhead, or below the vehicle.” (Hendrix et al., p. 5, lines 18 to 21; and Figures 1, 5, and 6). As such, Hendrix et al. indicate a variety of possible alignments for the camera bar assembly, and thus, fail to indicate that an optical axis of the image-taking device is always aligned substantially perpendicular to a roadway plane. Moreover, nowhere do Hendrix et al. indicate that an axis of rotation of the swivel joint is aligned in all wheel positions substantially parallel to the roadway plane, as provided for in the context of claim 14. As set forth above, the camera bar assembly of Hendrix et al. is not even attached to the vehicle, and thus, Hendrix et al. fail to even mention any such swivel joint, much less the alignment of an axis of rotation of such absent swivel joint. Further, nowhere do Hendrix et al. indicate that the reference feature system is situated substantially in the roadway plane, as provided for in the context of claim 14. Instead, the reference features of Hendrix et al. are wheel targets “affixed to each vehicle wheel.” (Hendrix et al., p. 5, line 14; and Figures 1 to 6). As such, the wheel targets of Hendrix et al. cannot be situated substantially in the roadway plane.

Therefore, it is plainly apparent that both Corghi and Hendrix et al. fail to disclose, or even suggest, all of the claimed features of claim 14. Accordingly, it is respectfully submitted that the combination of Corghi and Hendrix et al. does not render unpatentable claim 14.

As for claims 20, 22, and 23, which ultimately depend from claim 14, and therefore include all of the features recited in claim 14, it is respectfully submitted that the combination of Corghi and Hendrix et al. does not render unpatentable these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 14.

For at least the foregoing reasons, withdrawal of this rejection is respectfully requested.

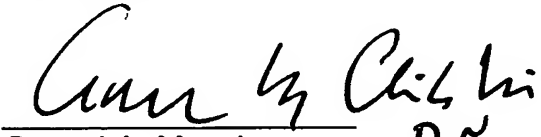
**IV. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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